

APPEAL NO. 031768
FILED AUGUST 19, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 5, 2003. With respect to the single issue before him, the hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to include an injury to his low back. In his appeal, the claimant essentially argues that the hearing officer's extent-of-injury determination is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) asserts that the claimant's appeal is untimely. In the alternative, the carrier urges affirmance.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(a) (Rule 102.5(a)), all notices and written communications to the claimant or claimant's representative will be mailed to the most recent address supplied by the claimant or representative. Rule 102.5(d) provides that the claimant is deemed to have received the decision and order of the hearing officer five days after it was mailed. The address to which the claimant's copy of the hearing officer's decision was sent is the same address as that shown for the claimant on the sign-in sheet for the hearing. The claimant is deemed to have received the hearing officer's decision on May 18, 2003, five days after it was mailed. The claimant had 15 days, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code, or until Monday, June 9, 2003, to mail his request for review to the Commission. The claimant's appeal is postmarked July 2, 2003, well beyond the deadline; thus, the appeal is untimely.

The claimant's appeal being untimely, the decision of the hearing officer has become final. Section 410.169.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge